

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

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|-----------------------------------|---|--------------------------------------|
| In re: | : | MDL Docket No. 4:03CV1507-WRW |
| | : | 4:05CV00497 |
| PREMPRO PRODUCTS LIABILITY | : | |
| LITIGATION | : | |
| | : | |
| | : | |
| HELENE RUSH | : | PLAINTIFF |
| | : | |
| v. | : | |
| | : | |
| WYETH | : | DEFENDANT |

ORDER

Reconsider Austin Report

Pending is Plaintiff's Motion to Partially Reconsider or Modify Ruling on Wyeth's Motion to Strike Austin Reports of December 12 and January 2 (Doc. No. 462).

The only reason I can discern or divine that Plaintiff wants to put in the supplemental report of Dr. Austin is to make him a causation expert. This would be a 180 degree turn. Accordingly, the Motion to Partially Reconsider is DENIED.

Reconsider Ruling re: PhRMA

Also pending is Plaintiff's Motion to Clarify Ruling or Alternative Motion for Reconsideration (Doc. No. 442).

I agree with Judge Ricardo Jackson's reasoning in *Nelson v. Wyeth*.¹ I think I had indicated earlier that this was my line of thinking. Accordingly, Plaintiff's Motion for Reconsideration is DENIED. Any mention of PhRMA would be likely to cause confusion, undue prejudice, and delay. Plaintiff's Exhibit 1651 is excluded.

IT IS SO ORDERED this 16th day of January, 2007.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹No. 1670 (Pa. Ct. Common Pleas, Jan. 11, 2007).